

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:06-cr-144-WKW
)	
PAUL MEREZ GRAHAM)	

UNOPPOSED MOTION TO RESCHEDULE CHANGE OF PLEA HEARING

COMES NOW the Defendant, **PAUL MEREZ GRAHAM**, by and through undersigned counsel, Michael J. Petersen, and moves this Court reschedule the change of plea hearing, in the above-styled case, presently set for 9:00 a.m. on January 29, 2008. As grounds for granting this Motion, Defendant would show the following:

1. On January 25, 2008 a hearing was had on the attorney Tommy Goggans' Motion to Withdraw as Counsel. (Doc #80).
2. At that hearing, the Federal Defender office was appointed to represent the defendant and undersigned counsel filed his Notice of Appearance. (Doc #84).
3. This matter is presently set for trial on the February 4, 2008 trial term.
4. Although a Notice of Intent to Change Plea was filed on January 23, 2008, (Doc #78), undersigned counsel would be deficient in his professional responsibilities if he were to go forward without having completely reviewed and discussed the ramifications of either plea or trial with his client.
5. The government, through Assistant United States Attorney Nathan Stump does not opposed a continuance of this matter.
6. Undersigned counsel has contemporaneously filed a Motion to Continue the Trial of

this matter. (Doc #85).

6. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the defense adequate time to review this matter which includes multiple 18 U.S.C. 922(g) and 924(c) charges as well as 18 U.S.C. 841(a) charges presented in a Second Superseding Indictment. (Doc #43).

WHEREFORE, based on the foregoing, Paul M. Graham respectfully requests that the previously set Change of Plea Hearing be rescheduled for later this week should this Court not continue the trial date.

Dated this 28th day of January 2008.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Nathan Stump, Assistant U.S. Attorney, 131 Clayton Street, Montgomery, AL 36101.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
ASB-5072-E48M